



**FREMONT PLANNING BOARD  
August 10, 2005  
Meeting Minutes**

Present: Chairman Kevin Herrmann, Co-Chairman Peter Gibb, Leon Holmes Jr., Dan Cocci, Selectmen's rep. Peter Bolduc, Building Inspector Thom Roy, Conservation Commission rep/Alternate Jack Karcz, Larry Stilwell and recording Secretary Meredith Bolduc.

Mr. Herrmann called the meeting to order at 7:30 p.m.

Mr. Holmes made the motion to allow Mr. Stilwell and Mr. Karcz voting rights for anything that comes before tonight's meeting.

Motion seconded by Mr. Cocci with unanimous favorable vote.

**MINUTES**

Mr. Cocci made the motion to approve the minutes of the June 8, 2005 meeting as written. Motion seconded by Mr. Stilwell with unanimous favorable vote except for Mr. Gibb who abstained as he was absent from that meeting.

Mr. Holmes made the motion to approve the minutes of the June 22, 2005 meeting as written. Motion seconded by Mr. Gibb with unanimous favorable vote except for Mr. Herrmann and Mr. Cocci who abstained as they were absent from that meeting.

Mr. Holmes made the motion to approve the minutes of the July 20, 2005 meeting as written. Motion seconded by Mr. Gibb with unanimous favorable vote.

**DAIGNEAULT, KEVIN**  
Map 6 Lot 003

Mr. Stilwell inquired to the conditions of approval for the Daigneault Site Plan Review and it was ascertained that all conditions have been met and the plan has been signed by the Chairman and Secretary.

LOTHIAN, RICHARD  
Map 6 Lot 62-11-1

There was a general discussion relative to the conditions of the Site Plan Review for Richard Lothian. Mrs. Bolduc reported that on July 19, 2005 Mr. Lothian posted his \$1000.00 engineering escrow and that on July 21, 2005 she had received a phone message from Mr. Lothian stating that he would not be ready with his engineering site review. The Board reviewed the July 26, 2005 correspondence from the Planning Board office to Mr. Lothian advising him that he is in non-compliance of the conditions of his Site Plan Review. Mr. Herrmann noted that it is now more than 2 weeks past the July 22, 2005 deadline for approval conditions to be met.

After some discussion Mr. Gibb made the motion to extend Mr. Lothian's 30 day condition to August 22, 2005 and advise him that he must either comply with the August 22, 2005 extension date or issue a written request for further extension. Motion second by Mr. Holmes with unanimous favorable vote.

COPP/ALBEE

It was found that all conditions of the Site Plan Review for Copp/Albee, Map 2 Lot 164.2 have now been met and Mr. Herrmann and Mrs. Bolduc signed the Plans.

ABDULLAH CONSTRUCTION  
Map 2 Lot 012

Mr. Stillwell asked if the conditions of the Excavation approval for Abdallah construction have been met, specifically the Road Agents inspection of Scribner Road prior to excavation activity and payment of any fees to Vollmer Associates for the engineering review prior to the start of the excavation operation. It was found that there are no outstanding fees due, but the Road Agent has not issued a written report relative to his findings of the condition of Scribner Road prior to excavation. Mrs. Bolduc was instructed to follow up with Road Agent Guerwood Holmes.

GOVERNOR'S FOREST  
Map 3 Lot 002

Present: Owner, Martin Ferwerda and abutter Janice Neistorowich

Mr. Ferwerda met with the Board at 8 pm to review the conditions of approval and to revisit the drainage concerns, as agreed at the June 22, 2005 portion of his excavation permit hearing.

Mr. Herrmann stated that the June 22, 2005 Planning Board approval for excavation permit for Governor's Forest included as conditions, the amendment of the existing bond to include the excavation reclamation and keep enough of the bond in place to assure reclamation on the amount to be set by the Town Engineer, the receipt of a report of Dick Colby of LLC relative to offsite drainage and all conditions were to be met within 30 days of the approval date.

The Board reviewed the July 26, 2005 correspondence to Mr. Ferwerda from the Planning Board office advising him of his non-compliance with the conditions of his excavation permit as his 30 day timeline had expired on July 22, 2005.

Mr. Herrmann stated that that Mr. Ferwerda has had amply time to meet the conditions of his June 22, 2005 approval, but to date conditions 1 and 5 have not been met.

Mr. Ferwerda spoke to condition #1 which is the bond, stating that his bank tells him that the bond that is in place relates to the site plan improvements and that the excavation would need a separate bond. He stated that he will contact the town engineer, Dick Colby to come up with a number for the excavation bond and he will post that bond amount. There was a discussion relative to the purpose of the existing bond. Mr. Ferwerda stated that he assumed the drainage concern, condition #5, was about the abutters concerns so he will have Mr. Colby visit the site for that purpose.

Mr. Herrmann stated that the bond and engineer report were supposed to be done by this meeting. He asked why the conditions of the excavation permit have not been met and Mr. Ferwerda stated that he has no excuse. He added that thinks he has made progress, but has been tied up with other things and simply forgot. Mr. Herrmann stated that Ferwerda has done nothing about what was supposed to do for this meeting and asked what action Mr. Ferwerda is going to take to get a report from Mr. Colby relative to offsite drainage and to get the bond issue taken care of. Mr. Herrmann adamantly stated that it is not acceptable that Mr. Ferwerda simply forgot. Mr. Herrmann then stepped down as chairman stating that he has had enough of Mr. Ferwerda.

At 8:20 pm Co-chairman Gibb took over as chairman.

Mr. Ferwerda stated that he talked to Mr. Colby today and he is going to do a review of the reclamation. After some timeline discussion, Mr. Ferwerda agreed that Mr. Colby will have his work done within the next 2 weeks. He added that his current bond expires on September 9, 2005. Mr. Gibb stated that he expected that the bond changes would be done for tonight's meeting and Mr. Ferwerda stated that the bank is not ready. Mr. Gibb spoke to the drainage issue relating that he trusts the engineer's numbers; however he believes there are water runoff issues that were not intended to take place, but have happened. Mr. Ferwerda stated that he has paved the road so now 90 percent of the water is going directly into the retention area. Mr. Gibb stated that he does not believe the water runoff issue has been fixed and he believes that the removal of all the topsoil has increased the velocity of the water which has increased the impact over what it was

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before the project began. Mr. Ferwerda stated that there is no increase and the engineer can speak to that issue. Mr. West stated that the report from the engineer that Mr. Ferwerda was alluding to was exactly what was supposed to be ready for the Board tonight. Mr. Ferwerda was supposed to have had the engineer look at the site and issue a written report to the Board relative to offsite drainage for tonight's meeting. Mr. Ferwerda stated that he had misunderstood the intent of the last meeting as he was focused on the abutter. Mr. Holmes asked Mr. Ferwerda what there was to misunderstand, adding that there are conditions to the permit that were to be met within 30 days and he has done nothing to meet the conditions of the bond or drainage, so he has not met his conditions. Mr. Roy stated that there has been an identified problem relative to no water moving off the site and it is appropriate to fix the problem. Mr. Gibb stated that he wants a report from the engineer that will state what it will take to cause zero impact to the abutters. The Board agreed. Mr. Bolduc stated that there is a gravel operation and site plan going on that is not working. Mr. Gibb stated that a number of deadlines and standards have not been met and he is not sure at what point the project is foreclosed. He added that the Board wants compliance with the timelines and standards, has set new timelines, and has given liberal standards to help the project meet its dates. Mr. Gibb stated that he is not convinced that Mr. Ferwerda intends to fix the runoff problem that personally he is beginning to think he has done a disservice to the abutters by allowing extensions. Mr. Gibb told Mr. Ferwerda that the problem of the drainage must be fixed, as certified by the engineer's report, to the point that the abutters are able to state that the problems have been dissolved. Mr. Gibb stated, and the Board generally agreed, that the Planning Board has done everything in their power to work with Mr. Ferwerda and there must be a point that the standards be met and the abutters are at least not impacted by the project.

Mrs. Neistorowich stated that the water problems have been ongoing. She wants a solution, but wants to see what the solution is before her yard is dug up. She stated that she has had enough impact on her life because of this project and wants it finished. Mrs. Neistorowich noted that Mr. Ferwerda had agreed to control the dust, but between the last meeting and July 15<sup>th</sup> when he paved the road there was no dust control. She stated that she does not want Mr. Ferwerda on her property while she is away on vacation, but agreed that the engineer would be allowed.

Mr. West stated that it is his opinion nothing should move forward until the conditions of the bond have been met and the engineer's report received or a cease and desist be issued until both are done.

Mr. Ferwerda asked for specific direction to what the Town engineer Dick Colby will do. Mr. Roy stated that it is not what Dick Colby will do, but what Mr. Ferwerda will do. Mr. Ferwerda stated that he wants a professional evaluation. Mr. West stated that that is exactly what Mr. Ferwerda was supposed to have had available tonight. Mr. West stated that the standard is that you cannot adversely affect your abutter's property as a result of your project. Mr. Gibb stated that there must be a plan put in place that will fix the problem of the already documented impact to the abutters and that a review of that impact is in order.

Mr. Roy stated that conditions 1 and 5 are to be met and Mr. Ferwerda should be given a date that it has to happen or a cease and desist will be issued. Mr. Roy asked if the conditions could be met by September 1, 2005. Mr. Ferwerda stated that September 1, 2005 was too soon, but he agreed to have the bond in place, the runoff problem fixed and the written report of Dick Colby relative to offsite drainage to the Board by September 9, 2005. Mr. Gibb stated that if on September 9, 2005 Mr. Ferwerda has not met his agreement the Board will have no choice but to exercise the option of cease and desist.

Mr. Holmes made the motion that conditions 1 and 5 of the Excavation Permit for Governor's Forest be met by September 9, 2005 or a cease and desist will be issued for the excavation.

Motion seconded by Mr. Bolduc with unanimous favorable vote.

Mr. West noted that RSA 676:17 states that there can be a fine of up to \$275.00 per day if a violation is found to continue after written notice of the violation, in this case it would be the July 26, 2005 date of the notice of non-compliance letter.

At 8:55 pm Mr. Roy made the motion to close this discussion. Motion seconded by Mr. Holmes with unanimous favorable vote.

## DRIVEWAY REGULATIONS

The members reviewed the proposed driveway regulations as presented by Mr. Roy. Inclusive of these proposed regulations are now 7 articles:

Article 1: General Provisions

Article 2: Application Procedures

Article 3: Bonding

Article 4: Permitting

Article 5: Fremont Driveway Construction Standards

Article 6: Definition

Article 7: Additional Provisions

It was the consensus of the Board to move these Driveway Regulations to a Public Hearing for adoption at 7 pm on August 24, 2005.

## REGULATION AMENDMENTS

Sprinkler systems requirements relative to Site Plan Review were discussed.

This regulation is proposed to be incorporated in the Site Plan Review regulations.

Add New Section "M"

***Sprinkler Systems:*** *Sprinklers systems shall be installed in all conversions and new construction of all multi-family dwelling and all clustered dwellings of any type.*

*Sprinklers installation shall be in compliance with the applicable NFPA 13D or NFPA 13R.*

There was a discussion relative to adopting amendments to Site Plan Review, Subdivision and Excavation Regulations as follows:

**Subdivision**

Article 2 Section 1

Add New      *“ A duplicate of the application and plans shall be sent to Rockingham Planning Commission for review of completeness of application at the time it is sent to the Planning Board”*

Add New      *“ All applications must conform to the Fremont Zoning Regulations before jurisdiction can be taken by the Planning Board.”*

Add New      *“ An amendment to any existing approved subdivision plan shall be subject to all original conditions and approvals unless otherwise specified.”*

Add New Article 2 Section 5 A-1

1. *Application for Waiver or Amendment to any portion of an already approved plan (as per 1 lot see fee schedule)*

**Lot Line Adjustment**

Add New Article 1 Section 6 Section A-1

*Lot Line Adjustments. Minor lot line adjustments or boundary agreements that do not create buildable lots.*

*Lot Line Adjustments shall be subject to the Subdivision Regulations and RSA 676:4*

**EXCAVATION**

Article 11.1.3: Change fourteen (14) days to ten (10) days as per RSA.

It was the consensus of the Board to move these regulations amendments to a Public Hearing for adoption at 7 pm on August 24, 2005.

**TARGETED BLOCK GRANT**

The Board received the notice of the TBG grant availability from Rockingham Planning Commission. It was noted that this is typically used for updates to chapters of the Master Plan. Mr. West agreed to check into how many chapters need updating and which ones they are so the Board can meet the application deadline of August 19, 2005. Mr. West stated that the grant for this year went for the Visioning Chapter.

CORRESPONDENCE

The Board reviewed all correspondences including:

1. Copy of the June 30, 2005 driveway permit # 06-167-191 for Cooper's Corner, Map 3 lot 037, from NHDOT.
2. Notice of the continuation certificates for the removal bonds for the 2 tower sites in Fremont
3. Copy of the June 23, 2005 NHDES Site Specific permit # WPS-7195 for Copp Drive Extension, Map 2 Lot 156.
4. Copy of the August 2 2005 LOD Consultant's Report for Radionuclide MCL from NHDES to Albert Witham, Map 3 Lot 001.

Mr. Holmes made the motion to adjourn at 10:15 P.M.

Motion seconded by Mr. Cocci with unanimous favorable vote.

Respectfully submitted,  
Meredith Bolduc, Secretary